

**Environmental Management Consolidated Business Center (EMCBC)****Subject: Contractor Past Performance Information**

PROCEDURE

APPROVED: (Signature on File)
EMCBC Director**1.0 PURPOSE**

The purpose of this procedure is to establish the contract administration process for the collection, maintenance and evaluation of contractor past performance information in accordance with the Federal Acquisition Regulations (FAR).

2.0 SCOPE

This local procedure identifies the contract administration responsibilities of the Contracting Officers, Contracting Officer Representatives or Technical Evaluators for collecting, maintaining, disseminating and using past performance information. It also identifies pertinent contract performance data to be collected.

3.0 APPLICABILITY

3.1 This procedure is applicable to all EMCBC and service site contracts and contracting activities which exceed the simplified acquisition threshold of \$100,000 at the time the work under the contract is completed.

4.0 REQUIREMENTS AND REFERENCES**4.1 Requirements**

- 4.1.1 Federal Acquisition Regulation (FAR) 9.104-1(c), General Standards
- 4.1.2 FAR 15.3, Source Selection, 15.304(c)(3), 15.305(a)(2)
- 4.1.3 FAR 42.15, Contractor Performance Information
- 4.1.4 DOE Acquisition Guide, Chapter 42.15 "Contractor Past Performance Information"

4.2 References

- 4.2.1 Office of Federal Procurement Policy (OFFP) Guide to Best Practices for Collecting and Using Current and Past Performance Information, May 2000 (http://www.whitehouse.gov/omb/procurement/index_contract_perf.html)

5.0 DEFINITIONS

- 5.1 National Institute of Health Contractor Performance System (NIH-CPS) – NIH-CPS is a multiple agency, shared file system used by DOE for the collection of contractor performance information during the contract administration phase. Completed interim and final reports are transmitted to the Past Performance Information Retrieval System (PPIRS).
- 5.2 Past Performance Information Retrieval System (PPIRS) – PPIRS is a shared data warehouse of report cards that detail a vendor's performance on current (or completed) contracts. The past performance information is restricted for source selection use. Contracting officials and source selection team members are the only personnel with a need to access PPIRS. PPIRS functions as the central warehouse for performance assessment reports received from NIH-CPS and other federal data collection systems. Contractors may obtain access to only their own data that is stored in PPIRS. This ensures that the information contained in PPIRS is valid and accurate data.

6.0 RESPONSIBILITIES

- 6.1 The OOO Assistant Director is responsible for ensuring that evaluations are conducted in accordance with this procedure.
- 6.2 The Contracting Officer is responsible for registering with the NIH-CPS and collecting and evaluating past performance information in accordance with this procedure. The Contracting Officer is also responsible for requesting that Contracting Officer Representatives or Technical Evaluators who are required to provide input to evaluations register in NIH-CPS.
- 6.3 The Contracting Officer Representative/Technical Evaluator is responsible for registering in NIH-CPS and providing input to evaluations as requested.
- 6.4 The OOO Branch Chief for the corresponding Contracting Officer contractor evaluation is responsible for review and concurrence on the draft evaluation prior to issuance to the contractor for comment.
- 6.5 The OOO Policy and Administrative Support Team is responsible for maintaining user registrations in NIH-CPS and performing periodic reviews to verify completion of past performance evaluations. The OOC Policy and Administrative Support Team is also responsible for maintaining user registrations for PPIRS in support of source selections.

7.0 GENERAL INFORMATION

FAR 42.1502(a) requires that an evaluation of contractor performance be performed for each contract that exceeds the simplified acquisition threshold of \$100,000 at the time the work under the contract is completed. FAR 42.15 further states that interim evaluations should be prepared as specified by agency procedures to provide current information for

source selection purposes, for contracts with a period of performance, including options, exceeding one year. Additionally, FAR 15.304(c)(3)(i) requires that past performance be evaluated in all source selections for negotiated competitive acquisitions expected to exceed the simplified acquisition threshold. DOE's Acquisition Guide specifies that the Office of Federal Procurement Policy (OFPP) Guide to Best Practices for Collecting and Using Current and Past Performance Information (Reference 4.2.1) is DOE's primary reference for contractor past performance information. The OFPP Guide, Chapter 2 under the heading Frequency of Assessment, strongly emphasizes interim assessments as part of good contract management and recommends that interim assessments are conducted at least every 12 months for contracts having a period of performance, including options, exceeding 18 months. The DOE Acquisition Guide specifies the NIH-CPS as the DOE automated contractor performance information database.

8.0 PROCEDURE

- 8.1 Interim Evaluations. Contracting Officers shall conduct interim performance evaluations halfway through the contract period of performance for contract actions (i.e. contracts, task and delivery orders), in excess of \$100,000, having a period of performance, including options, that exceed 18 months. In addition, interim evaluations should be completed when evaluating whether to exercise an option(s), when conducting progress payment reviews, or when issuing show cause or cure notices. More frequent interim evaluations may be performed depending on contractor performance problems. Interim evaluations should form the basis for the final evaluation report that is conducted upon completion of the contract (FAR 42.1502). See Attachment A for past performance evaluation frequency guidelines.
- 8.2 Final Evaluation. Contracting Officers are required to conduct final performance evaluations for contract actions (i.e., contracts, task and delivery orders), which exceeds the simplified acquisition threshold of \$100,000 at the time the work under the contract is completed, within three months from the time the work under the contract is completed or if the contract is terminated.
- 8.3 Evaluation Format and Content. Contracting Officers shall use the Contractor Performance Report format in NIH-CPS for collecting, evaluating, and reporting past performance information.
 - 8.3.1 At a minimum, all reports shall document the following four elements regarding the contractor's performance:
 - quality;
 - cost control (not applicable for fixed price contracts);
 - timeliness; and
 - business relations.

However, the content of the interim and final evaluations can be tailored to the size, content, and complexity of the contractual agreement.

- 8.3.2 In accordance with Chapter 42.15 of the DOE Acquisition Guide, a contractor should not be downgraded for filing protests or claims or not agreeing to use alternative dispute resolution (ADR) techniques. Conversely, Contracting Officers should not rate a contractor positively for not having filed protests or not having made claims or agreeing to use ADR techniques. However, the quality of a contractor's performance that gave rise to the protest or claim may be considered.
- 8.3.3 The reports shall assess the contractor's performance against, and efforts to achieve, the goals identified in the small business subcontracting plan when the contract includes FAR 52.219-9, Small Business Subcontracting Plan.

8.4 Completion of Evaluation Report.

- 8.4.1 The Contracting Officer and evaluators shall request registration for NIH-CPS from the CPS Organization Administrator on the OOC Policy and Administrative Support Team.
- 8.4.2 The Contracting Officer shall initiate an evaluation report in NIH-CPS and assign the evaluation to the Contracting Officer Representative/Technical Monitor for input, and when appropriate, the technical end users of the product or service. NIH-CPS User Manuals can be found at <http://cps.od.nih.gov/>. The NIH-CPS login screen can be found at <https://cps.nih.gov/>.
- 8.4.3 For teaming arrangements and joint ventures, the Contracting Officer shall include a notation that the data is for a teaming arrangement or a joint venture, identify each partner, and evaluate the performance of each partner.
- 8.4.4 The Contractor Officer shall provide the prepared evaluation to the corresponding OOC Branch Chief for review and concurrence prior to issuance to the contractor.
- 8.4.5 The Contracting Officer shall provide a copy of the prepared evaluation to the contractor as soon as practicable after completion of the evaluation. Contractors shall be given a minimum of 30 days to submit comments, rebutting statements, or additional information.

NOTE: The Contracting Officer may also assign the report for review to the contractor in NIH-CPS if they are registered. Contractor representatives must register directly with the National Institute of Health to gain access to NIH-CPS. Once registered, the contractor representative will receive an e-mail message indicating there is a report for review and be given 30 days to review. If the contractor representative needs an extension, he or she will need to contact the Contracting Officer. If the contractor does not meet the 30 day time limit the evaluation will automatically be finalized and cannot be un-finalized. The NIH-CPS User Manual for contractors can be found at

http://cps.od.nih.gov/Contractor_Info7.html. The NIH-CPS login screen for contractors can be found at <https://cpscontractor.nih.gov/>.

8.4.6 If the contractor review is done outside of NIH-CPS, the Contracting Officer shall input the contractor's comments into the evaluation report.

8.4.7 Disagreements between the parties regarding the evaluation shall be reviewed at a level above the Contracting Officer. The ultimate conclusion on the performance evaluation is a decision of the contracting agency (DOE).

8.5 Dissemination of Evaluations.

8.5.1 A copy of the annual or final past performance evaluation shall be provided to the contractor as soon as it is finalized.

8.5.2 A copy of the evaluation, contractor response, and review comments, if any, shall be filed in the contract file. Once posted in NIH-CPS, the completed evaluation will be submitted to PPIRS to support future source selections and shall not be released to anyone other than Government personnel and the contractor whose performance is being evaluated.

8.6 Quarterly Review. As part of the quarterly validation of procurement reporting system data, the OOC Policy and Administrative Support Team will verify that contractor performance evaluations are entered into NIH-CPS for contracts falling within the thresholds of this procedure.

9.0 RECORDS MAINTENANCE

9.1 All records shall be maintained and stored according to EMCBC IP-243-03, "Identifying, Filing and Maintaining Records."

10.0 FORMS USED

No EMCBC forms used.

11.0 ATTACHMENT

11.1 Attachment A – Contractor Past Performance Evaluation Frequency Guidelines

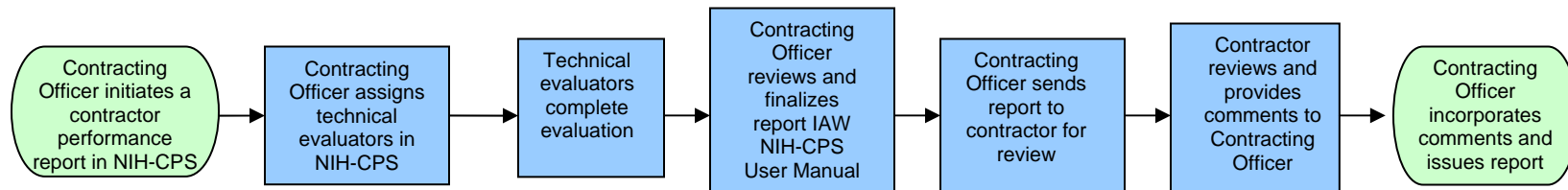
11.2 Attachment B – Contractor Past Performance Information Reporting Flow Diagram

**CONTRACTOR PAST PERFORMANCE EVALUATION
FREQUENCY GUIDELINES**

CONTRACT	FREQUENCY
Short-term Single Deliverable	At conclusion of performance
Multiple Deliverables	At the time of each delivery or in summary for all deliveries at least annually
Multiple Year	Annually
Contract with Options	When evaluating whether to exercise an option(s)
Contract with Progress Payments	Semi-annually or with each progress payment review
Termination for Default Issued to Contractor	Within one business day of the Termination for Default
Show Cause or Cure Notices	60 days after issuance when there is continued unsatisfactory performance

Note: “Deliverable” includes products or services.

EMCBC Office of Contracting Contractor Past Performance Information Reporting



EMCBC RECORD OF REVISION

DOCUMENT

If there are changes to the controlled document, the revision number increases by one. Indicate changes by one of the following:

- I** Placing a vertical black line in the margin adjacent to sentence or paragraph that was revised.
- I** Placing the words GENERAL REVISION at the beginning of the text.

Rev. No.	Description of Changes	Revision on Pages	Date
1	Original Issue	All	7/2/08